

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS UNION, LOCAL 763,)	
)	
Complainant,)	CASE 12308-U-96-2908
)	
vs.)	
)	DECISION 5578 - PECB
SNOHOMISH COUNTY,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

The complaint charging unfair labor practices was filed in the above-captioned matter on February 1, 1996. The matter came before the Executive Director for processing pursuant to WAC 391-45-110,¹ and a preliminary ruling letter issued on May 7, 1996, pointed out certain defects with the complaint as filed. The complainant was given 14 days in which to file and serve an amended complaint, or face dismissal of the case for failure to state a cause of action. Nothing further has been heard or received from the complainant.

In its complaint, Teamsters Union, Local 763 alleged that Snohomish County had interfered with employee rights in violation of RCW 41.56.140(1), and refused to bargain in good faith in violation of RCW 41.56.140(4). The complainant alleged that the employer and union tentatively agreed to all terms of a new collective bargaining agreement with the exception of wages, shift differential, and pension, and that those three issues were certified by the Public Employment Relations Commission for interest arbitration as

¹ At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

provided in RCW 41.56.450 on August 11, 1995. The complainant then alleged that, by letter dated January 18, 1996, it requested that "... all tentative agreements reached during the custody/corrections officers negotiations up through the conclusion of mediation be signed and implemented by the employer..."² The complainant asserted that Snohomish County refused to implement the tentative agreements until the arbitrator rules on the issues certified to interest arbitration, and that the employer's refusal to implement the tentative agreements constitutes interference with the rights of the employees, and a refusal to bargain in good faith.

The preliminary ruling letter pointed out that the rights of parties during the pendency of interest arbitration are provided in RCW 41.56.470, as follows:

RCW 41.56.470 **Uniformed personnel--
Arbitration panel--Rights of the parties.**
During the pendency of the proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under *this 1973 amendatory act. [1973 c 131 S 6.]

While the Commission's rules for the interest arbitration process contemplate that one or both of the parties may compromise or withdraw issues that have been certified by the Executive Director, nothing directs either party to "consent" to changes that would otherwise be prohibited by RCW 41.56.470. If the Legislature contemplated the tentative agreements reached prior to the decision rendered by the arbitration panel to be enforceable as "existing wages, hours and other conditions of employment," it could easily

² Although the complaint stated that a copy of the January 18, 1996 letter was "attached to the complaint as filed with the Public Employment Relations Commission", no such letter was attached to the complaint.

have so stated in the statute itself. In the absence of such a provision in the statute, there is no basis to conclude that an unfair labor practice violation could be found on this complaint.

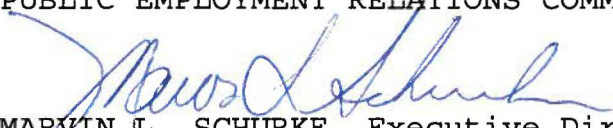
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is DISMISSED.

Issued at Olympia, Washington, on the 25th day of June, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.